

October 8, 2004

The problems I am about to describe apply to thousands of people with arthritis in the neck, spinal injuries, and osteoporosis. I have not seen any of my concerns addressed in the proposed rule or in the existing airbag rule. I have seen an estimate of 700,000 to 1,000,000 people being afflicted with my kind of arthritis, known as ankylosing spondylitis (called AS frequently).

I am a Vietnam veteran with a 100% disability rating from the VA for my arthritis. I have severe AS arthritis in my neck and elsewhere. Vertebrae in my neck have fused together making my neck rigid. Every doctor I have spoken to about the matter has said that if I am hit by a deploying airbag my neck will be broken and I will probably be killed; if I survive I will be paralyzed. Since airbags used in cars today tend to deploy when a car hits an object at 5 mph or less (per news broadcasts) I am at severe risk of death or injury in minor crashes. Thus, it is unsafe for me to drive or ride in any car in any seat where there is an airbag. My wife is at risk due to her height and her osteoporosis. With NHTSA approval we installed selector switches for the front seat airbags in our two cars. The total cost was over \$1,000.

I am unable to rent a car anywhere for safety reasons. Further, I have been turned down by one car rental company. They would not let me choose to take the risk of an airbag deploying fearing I or my estate would sue. One car dealership has said it would not sell me a car because it did not want to take the risk that I would be injured by a deploying airbag from the time of purchase to the time selector switches are installed.

Once side airbags or curtains are required in the front and back of vehicles there will be no safe taxicab for me to ride in. I will not be able to ride in a friend's car. I will still be unable to rent a car.

The proposed rule should be amended to address the following. There should be a requirement that dummies be used in the tests reflect men and women with fused cervical vertebrae, weakened cervical vertebrae, and spinal cord injuries.

The proposed rule process should provide an estimate of the number of additional deaths and injuries that would be caused to the disabled if it is implemented.

The proposed rule process should provide a cost benefit analysis of its economic impact on the disabled of having to install selector switches and change to other forms of transportation. The financial impact on governments of having to provide safe transportation (e.g., minibus) to the disabled who would no longer be able to use private cars or taxis should be assessed.

The proposed rule should require that car rental companies and taxicab companies have sufficient vehicles on hand to provide safe vehicles for the disabled who would be injured by deploying airbags. Under the rule these companies should have absolute and complete immunity from legal action due to death or injury that was sustained or increased by any driver or passenger due to the failure of the vehicle to have airbag protection.

The proposed rule should comply with the Americans with Disabilities Act, whether it is required to or not.